

REMARKS/ARGUMENTS

The Office Action Restriction Requirement of April 21, 2006 has been carefully reviewed and this response addresses the Examiner's concerns stated in the Office Action.

I. STATUS OF THE CLAIMS

Claims 1, 3-20, and 22-46 are pending in the application.

Claims 2 and 21 were previously cancelled without prejudice.

Independent claim 46 has been cancelled without prejudice in response to a previous constructive election. Applicants reserve the right to claim the subject matter of claim 46 in a divisional application.

Independent claim 25, and dependent claims 26-28, 43, and 44 have been withdrawn from consideration without prejudice in response to the restriction requirement of the Office Action of April 21, 2006. Applicants reserve the right to claim the subject matter of claims 25-28, 43, and 44 in a divisional application.

Independent claim 47 has been added. Support for this claim can be found in paragraph 153 of the Specification. Claim 47 is drawn to the subject matter of Group I, namely, using interconnecting networks.

III. ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

The Office Action states that restriction to one of the following inventions is required:

(1) The Office Action states that claims 1-24, 29-42, and 45 are drawn to using interconnected networks, classified in class 709, subclass 218.

(2) The Office Action states that claims 25-28, 43, and 44 are drawn to client/server, classified in class 709, subclass 203.

The Office Action states that the inventions are distinct, each from the other because Group I contains the following limitation:

“formatting, outside the client device, unsolicited advertising information from the advertisement, the unsolicited advertising information including service information indicating the purpose of the advertisement; data entry information indicating purchasing options based on the purpose; and contact information containing instructions for enabling the client device to communicate, with the service; forming an advertising signal containing the unsolicited advertising information; propagating the advertising signal from a transmitter to the client device within the location; receiving the advertising signal at the client device; decoding the advertising signal to extract the unsolicited advertising information; displaying the unsolicited advertising information to a user of the client device; and determining, by the client device, a response to the advertising signal, based on the unsolicited advertising information”

that is not in Group II.

The Office Action states that, similarly, Group II has the limitation

“receiving an unsolicited broadcast message having user-specific service information about a service from a service provider into a client device; creating, by the client device, an object-oriented service object from the service information; activating the client device, the service object; receiving, by the client device, user data into the service object; sending, by the client device, the user data to the service provider; receiving, by the client device, service provider data required to utilize the service from the service provider; and displaying by the client device, the service provider data required to utilize the service”

that is not in Group I.

Applicants respectfully maintain that claims 1, 3-20, and 22-45 are directed to the same invention and should be examined together since the inventions of Group I and Group II are so closely related as to justify an examination of all of the claims as a single invention. Furthermore, it

is well established that restriction is not mandatory merely because the claims may be directed to divergent subject matter. The fact that two methods, or a method and an apparatus, may be searched in different subclasses is not seen to be a material factor, at least insofar as the restriction requirement for the claimed invention is concerned. In fact, according to MPEP § 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." In light thereof, it is believed that an action on the merits of claims 1, 2-20, and 22-45 in a single application is in order. Although Applicants submit that the requirement for restriction is improper and should be withdrawn, Applicants have elected the claims of Group I to prosecute.

IV. CONCLUSION

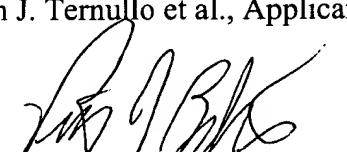
Claims 1, 3-20, 22-45, and 47 are believed to be in condition for allowance. All dependent claims depend upon allowable independent claims, and are therefore also believed to be in condition for allowance.

One independent claim (claim 46) has been cancelled, and one independent claim (claim 47) has been added. Although no new fees are anticipated, the Commissioner for Patents is authorized to charge additional fees or credit overpayment to Deposit Account No. 03-2410, Order No. 12078-142.

The following information is presented in the event that a call may be deemed desirable by the Examiner: Peter J. Borghetti (617) 854-4000

Respectfully submitted,
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